



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 16, 2015

**BY ECF & E-MAIL**

The Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: United States v. Ceglia,  
12 Cr. 876 (VSB)**

Dear Judge Broderick:

Pursuant to the Court's Order of March 6, 2015, the Government respectfully submits this letter to advise the Court of the Government's current intentions with respect to calling witnesses at trial in this matter who are or were represented by the defendant's current criminal counsel.

At this time, the Government believes it is likely to call Paul Argentieri as a witness regarding (1) his role in soliciting various individuals to provide defendant Paul Ceglia with funds, totaling at least \$650,000, in return for a share in the ultimate proceeds of his lawsuit against Facebook Inc. and Mark Zuckerberg; and (2) the manner in which these funds were used or distributed by the defendant and Mr. Argentieri.<sup>1</sup> In addition, the Government may call Mr. Argentieri to testify that the "Work for Hire" contract which he provided to the Government was the original document purported by the defendant to be the contract signed by the defendant and Mark Zuckerberg in 2003. To the extent the defendant will stipulate to that fact, this aspect of Mr. Argentieri's testimony will be unnecessary. Finally, depending on the Court's ultimate ruling on the Government's crime-fraud motion, the Government may seek Mr. Argentieri's testimony about additional communications with the defendant regarding the lawsuit against Facebook, to the extent obtaining such testimony is consistent with the Court's analysis.

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<sup>1</sup> The Government is awaiting Department of Justice authorization to issue a subpoena to Mr. Argentieri for documents and testimony concerning these issues. Depending on the response to that subpoena, the Government may ultimately be willing to enter into a stipulation regarding the relevant facts, rather than calling Mr. Argentieri to testify. Of course, if Mr. Argentieri retains Mr. Messina to represent him with respect to any subpoena, that will raise similar questions regarding a potential conflict of interest.

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The Government does not currently intend to call any other person who, to the Government's knowledge, was presently or formerly represented by Mr. Fogg or Mr. Messina.

Respectfully submitted,

PREET BHARARA  
United States Attorney

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